

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:11CR333
)	
v.)	
)	
STACEY SELLNER,)	MEMORANDUM OPINION
)	
Defendant.)	
_____)	

This matter is before the court on the motion of defendant Stacey Sellner to vacate, set aside, or correct her sentence (Filing No. [67](#)). For the following reasons, the motion will be denied.

DISCUSSION

This is the second motion defendant has filed pursuant to 28 U.S.C. § 2255. Her first § 2255 motion, filed on July 9, 2013 (Filing No. [60](#)), was denied by this Court on December 11, 2013 (see Filing Nos. [68](#) and [69](#)).

A petitioner seeking to file a second or successive § 2255 motion challenging their conviction or sentence must first obtain circuit court certification. 28 U.S.C. § 2255(h). Because the defendant has not received approval from the Eighth Circuit to file a second or successive § 2255 motion, the Court lacks jurisdiction over her claims. *United States v. Key*, 205 F.3d 773, 774 (5th Cir. 2000); *United States v. Alvarez-Ramirez*,

128 F.Supp.2d 1265, 1267 (C.D.Cal. 2001). Lacking jurisdiction, defendant's motion will be denied without prejudice. A separate order will be entered in accordance with this memorandum opinion.

DATED this 12th day of December, 2013.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court